IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 30896 of 2006(C)

PETITIONERS:

1. CYRIL GEORGE, S/O. GEORGE, AGED 40,
   VATTAPPARAMBIL HOUSE, MUTTIYOORKKARA KARA,
   PERUMPAIKKAD VILLAGE, KOTTAYAM DISTRICT.

2. SAM GEORGE, S/O. GEORGE,
   AGED 33 YEARS, -DO- -DO-

BY ADV. SRI.M.A.FIROZ
SRI.GEORGE MECHERIL

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
   COLLECTORATE P.O., KOTTAYAM DISTRICT.

2. THE TAHSILDAR,
   KOTTAYAM.

3. THE VILLAGE OFFICER,
   PERUMPAIKAD VILLAGE OFFICE, PERUMPAIKAD,
   KOTTAYAM DISTRICT.

4. THE GEOLOGIST,
   MINING AND GEOLOGY DISTRICT OFFICE,
   COLLECTORATE P.O., KOTTAYAM-2,
   KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.30896 OF 2006

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Dated this the 22nd day of November 2006

JUDGMENT

Prayer in the writ petition is for a direction to issue possession certificate and sketch and plan of the petitioner's property for producing it before the 4th respondent for obtaining mining licence. The case of the petitioner is that on account of prohibitory order issued by the District Collector, the Tahsildar is not issuing possession certificate and sketch and plan of the petitioner's property. Petitioner's entitlement for mining is to be considered by the geologist under the Mineral Concession Rules.

2. Writ petition is disposed of directing the 3rd respondent to conduct an enquiry and if, petitioner is in possession of land issue possession certificate and sketch and plan for his property. It is for the geologist or the concerned authority to consider petitioner's request for mining licence. Petitioner shall apply for mining license in accordance with the prevailing law.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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